

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

October 28, 2009

No. 08-30188
Summary Calendar

Charles R. Fulbruge III
Clerk

VINCENT MARK CASTILLO

Plaintiff-Appellant

v.

TROY SELF; FRANK M SIMMS, JR; GREG CHAMPAGNE; SHANNON
BROOKS; AL ROBINSON; D K DUCLESNI; LEROY HUNTER; DAVID D
NAPIER; DEPUTY BEARD; JOHN NOWAK; STEVE DUFRESNE; BYRON
ALONZO; S JONES WALKER; E BRASS; R FISHER; HARRY J MOREL, JR;
UNITED STATES POSTAL SERVICE; LOUISIANA DEPARTMENT OF
PAROLE; LOUISIANA DEPARTMENT OF CORRECTIONS

Defendants-Appellees

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 2:06-CV-9872

Before KING, STEWART and HAYNES, Circuit Judges.

PER CURIAM:*

Vincent Mark Castillo filed a civil rights complaint against a host of
defendants alleging that he had been wrongly searched and seized, that he had
been detained improperly, and that he had been subjected to various types of

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion
should not be published and is not precedent except under the limited
circumstances set forth in 5TH CIR. R. 47.5.4.

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unconstitutional treatment while housed in the St. Charles Parish Correctional Center ranging from interference with his mail to not allowing him to brush his teeth. Based on the financial affidavit submitted by Castillo, he was granted leave to proceed in forma pauperis (IFP) in the district court. The district court subsequently rescinded the IFP order based on the factual finding that Castillo was not a pauper.

Castillo now moves this court for leave to proceed in forma pauperis (IFP) on appeal. Under FED. R. APP. P. 24(a)(5), this court may entertain a motion to proceed IFP when the district court has denied a litigant leave to proceed IFP. To proceed IFP on appeal, a movant must demonstrate that he is a pauper and that he will raise nonfrivolous issues on appeal. *Carson v. Polley*, 689 F.2d 562, 586 (5th Cir. 1982). Castillo has not shown that he is a pauper or that he can present a nonfrivolous issue that the district court erred by revoking his pauper status. *See Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). Accordingly, his motion for leave to proceed IFP is DENIED, and the appeal is DISMISSED as frivolous. *See 5TH CIR. R. 42.2.*